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April 28, 2014

The Honorable John M. Shimkus  
Chairman  
Subcommittee on Environment & the  
Economy  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Paul Tonko  
Ranking Member  
Subcommittee on Environment & the  
Economy  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

RE: Committee on Energy and Commerce, Subcommittee on Environment and the  
Economy, April 29, 2014 Hearing on Chemicals in Commerce Act: Statement of  
3M Company

Dear Chairman Shimkus and Ranking Member Tonko:

Thank you for providing 3M Company with the opportunity to submit this letter for the record in connection with the April 29, 2014 Subcommittee Hearing on Chemicals in Commerce Act (CICA). As a company based on bringing innovative new products to its customers, 3M has an intense interest in ensuring that a modernized Toxic Substances Control Act (TSCA) preserves our ability to innovate and to protect our innovations against misappropriation. The provisions of CICA that relate to confidential information and new chemicals are therefore of great importance to our company.

On July 9, 2013, we submitted to the Subcommittee a letter urging that, as reforms to TSCA are considered, Congress uphold the current protections for confidential data under Section 14 and maintain the basic framework for new chemical review under Section 5 [letter attached]. 3M is pleased to see that Congress has largely retained the principles of these two sections in CICA, ensuring that these sections continue to work well to achieve the goal of protecting public health and the environment while promoting American innovation at companies such as 3M.

We believe that the overall treatment of Confidential Information under Section 14 of CICA will promote innovation. Consistent with protections under TSCA, Section 14 of CICA provides companies with the ability to protect trade secrets by upholding a company's right to designate which business data are confidential and to maintain these data as confidential for as long as the data bring economic value to the company and the company continues to take reasonable measures to keep them secret. With this protection, 3M will be able to continue to invest in the costly and uncertain R&D efforts

that bring new technology, products, and innovation to companies, homes, and lives in the U.S. and around the world.

We appreciate that CICA specifically provides companies with the ability to protect as confidential the exact chemical identity of a substance, which is an essential type of trade secret. Much of the debate around confidential data under TSCA has centered on protection of chemical identity. CICA addresses well the core issues of this debate by maintaining the right to protect precise chemical identity, while adding checks and balances, such as upfront substantiation of confidential information, self-imposed timelines for the duration of protection, use of generic names, data sharing with States, and data sharing with health professionals. We note that CICA provides companies with an explicit right to renew claims for confidential protection of chemical identity, and we appreciate that CICA has clarified that there is no limit to the duration of protection of chemical identity as long as the trade secret status of the chemical identity is preserved. We also commend Congress for further addressing the debate around protection of chemical identity by unambiguously clarifying in CICA that exact chemical identity in health and safety studies is also entitled to protection from disclosure to the general public, provided that sufficient information is disclosed to satisfy health and safety concerns.

We also believe that the overall treatment of New Chemicals under Section 5 of CICA will promote innovation. CICA maintains the basic framework under TSCA for new chemical review as a tiered, targeted, risk-benefit approach to safety assessment, providing companies with an appropriate mechanism to safely introduce innovative new technologies and products into commerce.

Thank you again for providing 3M with the opportunity to present these views on the impact of CICA on American innovation. As always, 3M remains committed to working with all stakeholders on these important issues. We will be pleased to submit written answers to any questions this letter may raise and to supply any additional information that may be requested for the record.

Very truly yours,



Kevin H. Rhodes

Attachment